

3:04 pm, Jun 02, 2017

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
PHL VARIABLE INSURANCE COMPANY,

Plaintiff,

- against -

TOWN OF OYSTER BAY,

Defendant.
-----X

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

JUDGMENT
CV 16-4013 (SJF)(AKT)

An Opinion and Order of Honorable Sandra J. Feuerstein, United States District Judge, having been filed on May 30, 2017; granting defendant's motion to dismiss plaintiff's claims against it pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure; dismissing plaintiff's claims against defendant in the amended complaint in their entirety with prejudice for failure to state a claim for relief; and directing the Clerk of the Court to enter judgment in favor of defendant and to close this case, it is

ORDERED AND ADJUDGED that plaintiff PHL Variable Insurance Company take nothing of defendant Town of Oyster Bay; that defendant's motion to dismiss plaintiff's claims against it pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure is granted; that plaintiff's claims against defendant in the amended complaint are dismissed in their entirety with prejudice; and that this case is closed.

Dated: Central Islip, New York
June 2, 2017

DOUGLAS C. PALMER
CLERK OF THE COURT

By: /s/ James J. Toritto
Deputy Clerk